

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.

Plaintiff,

-against-

DELLAVALL BALLROOM, INC. d/b/a SAVOY
and LOIS GREEN,

Defendants.

ANSWER

07-CV-8758

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The defendants, Dellaval Ballroom, Inc. a/d/b/a Savoy and Lois Green, by their attorneys, McCarthy Fingar, LLP, and for their answer to the Complaint of plaintiff, J&J Sports Productions, allege as follows:

1. Deny the allegations contained in paragraphs 6, 15-20, 23, 26, 27, 30-32, 34 and 35.
2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 4, 8-14, 25, 33 and 36, and on that basis deny the allegations.
3. No factual allegations requiring a response appear to be contained in paragraphs 1, 2, 3, 7, 22, 24 and 29, and all issues of law are referred to this Honorable Court. To the extent there are deemed to be any factual allegations contained in these paragraphs, defendants deny knowledge or information sufficient to form a belief as to the truth of those allegations, and on that basis deny any such allegations.
4. Repeat each and every response to the allegations incorporated in paragraphs 21 and 28 of the Complaint.

FIRST DEFENSE

Plaintiff's Complaint fails to state a cause of action.

SECOND DEFENSE

Plaintiff's Complaint is barred in whole or in part by the applicable statute of limitations.

THIRD DEFENSE

Plaintiff's Complaint is barred in whole or in part by the doctrines of laches, waiver and or estoppel.

FOURTH DEFENSE

Plaintiff lacks standing to assert the claims in the Complaint.

FIFTH DEFENSE

Plaintiff's Complaint is barred in whole or in part by the doctrine of unclean hands.

SIXTH DEFENSE

Plaintiff has failed to mitigate its damages, assuming it has suffered any damages.

WHEREFORE, judgment should be entered dismissing the Complaint in its entirety, awarding the defendants the costs and disbursements of this action, and such other and further relief as this Court finds proper.

Date: New York, New York
November 29, 2007

McCarthy Fingar, LLP

By: /S/
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